IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3123 OF 2004
IN
APPEAL LODGING NO.556 OF 2004
IN
NOTICE OF MOTION NO.1811 OF 2004
IN
SUIT NO.1676 OF 2003

Dhaval Dushyant Desai .. Appellant.
V/s.
Rohit Jayantilal Brahmbhatt & Ors .. Respondents.

Ms.Mamta Sadh i/b. A.G. Purohit for the appellant.
Mr.Ajay Khaire i/b. Jayesh Bhatt for the respondent.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 3RD NOVEMBER, 2004.

P.C. :

Heard.

2. In the affidavit in support of the notice of motion it is stated that the appellant-applicant came to know of the order dated July 19, 2004 only when the Court Receiver took symbolic possession.

3. The learned counsel for the contesting respondent submits that on behalf of the appellant - applicant (defendant No.11), Mr.R.U. Singh appeared and, therefore, it cannot be said that the appellant had no knowledge of the order dated July 19, 2004.

The appellant denied having engaged Mr.R.U. Singh as his advocate. There is no vakalatnama in favour of Mr.R.U. Singh. We are thus satisfied that the appellant was prevented by sufficient cause in filing the appeal in time.

4. Delay in filing the appeal is condoned. Office to process the appeal and post it for admission as soon as numbered.

5. The notice of motion stands disposed of.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)